

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STACY HOLK,	:	CIVIL ACTION NO. 07-3018 (MLC)
	:	
Plaintiff,	:	O R D E R
	:	
v.	:	
	:	
SNAPPLE BEVERAGE CORPORATION,	:	
	:	
Defendant.	:	
_____	:	

THE MAGISTRATE JUDGE has referred an issue to the United States Food & Drug Administration and stayed the proceedings here. (See dkt. entry no. 137, 9-2-10 Order of Magistrate Judge; see also dkt. entry no. 135, 8-10-10 Order of Magistrate Judge.)

THE COURT has the inherent power to control the docket. Landis v. N. Am. Co., 299 U.S. 248, 254 (1936); Rolo v. Gen. Dev. Corp., 949 F.2d 695, 702 (3d Cir. 1991). The Court thus intends to administratively terminate the action, with leave to any party to move to reopen or for ancillary relief when appropriate. An administrative termination of an action is not the equivalent of a dismissal of a complaint with prejudice, and is issued in the interests of judicial economy. See Delgrosso v. Spang & Co., 903 F.2d 234, 236 (3d Cir. 1990) (stating administrative termination is not a final determination, as it "permits reinstatement and contemplates the possibility of future proceedings", and "does not purport to end litigation on the merits"). For good cause appearing:

IT IS THEREFORE on this 8th day of September, 2010,
ORDERED that the action is – in addition to being stayed –
ADMINISTRATIVELY TERMINATED, with leave to any party to move,
upon a proper notice of motion and in accordance with the Federal
Rules of Civil Procedure and the Local Civil Rules, to reopen or
for ancillary relief when appropriate; and

IT IS FURTHER ORDERED that the Clerk of the Court designate
the action as **CLOSED** at this time.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge